



CITY OF MEMPHIS

COUNCIL AGENDA

March 18, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 4, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 2, Article XI, Code of Ordinances, City of Memphis,
so as to add an annual adjustment to the Living Wage, up for F I R S T reading.
Halbert Ordinance No. 5257

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

2. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, Granting AOL Time
Warner, Inc., an extension of its Franchise Ordinance through December 16, 2008, up for
S E C O N D reading.
Morrison Ordinance No. 5255

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** amending Substitute Ordinance No. 5046 to expand the definition of
emergency in order to permit MLGW to promptly respond to safety and regulatory
compliance issues and to enter into time sensitive natural gas purchases and derivative
instruments, up for S E C O N D reading.
Ware Ordinance No. 5256

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** amending the Zoning Text Amendment on Nonconforming Uses,
up for
S E C O N D reading.

Lowery

Ordinance No. 5242
Case No. ZTA 07-002cc

Applicant: Office of Planning & Development

Request: Amend Section (B) (6) 16-116-2(F) to specify that cessation of use
date to loss of license or permit for 365 consecutive days
terminates a nonconforming use

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

5. **RESOLUTION** approving final plat of LEVEE ROAD SUBDIVISION.
Case No. S 07-031

Resolution approves the final plat located south of the Wolf River, west of I-240.
Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. **RESOLUTION** accepting GALLERIA OF MEMPHIS PD, AMENDED, PHASE 10 and
authorizing release of bond.

Case No. PD 04-312
(Contract No. CR-5020)

Resolution accepts completion of the improvements and the dedication of public
streets and easements as shown on the final plat located on Germantown Road
south of Interstate 40. The standard improvement contract was approved on July
25, 2006. Resolution also authorizes the release of the performance bond in the
amount of \$114,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of LINDEN YARD PLANNED DEVELOPMENT.
Case No. PD 06-359

Resolution approves the final plat located on the northwest and southwest corners of Linden Avenue and Southern Railway Railroad. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

8. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 07-344cc – Shelby Park East, P.D.

Located approximately 123 feet southeast of the intersection of Appling and Macon Roads, containing 14 acres in the Agricultural (AG) District

Applicant: Teranksy, LLC
SR Consulting, LLC – Representative

Request: A mixed use planned development consisting of 48 single family residential lots (minimum lot size = +4,428 sq. ft.) and two common open space lots in Area A and commercial uses in Area B

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

B. Case No. PD 08-301 – Rock of Ages P.D.

Located on the west side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue, containing 0.85 acre in the Mixed-Use (MU) District

Applicant: Edgar T. Miller
A. Carmichael Johnson – Representative

Request: Planned development to allow a funeral home establishment

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 05-614 - Warren Road

Beginning on the north side of Clementine Road at its western terminus and proceeding northerly 386.78 feet therefrom, containing 0.355 acre in the Duplex Residential (R-D) and Multiple Dwelling Residential (R-ML) Districts

Applicant: ProUnited Realtors, LLC
Brunell Gooden – Representative

Request: One (1) year time extension

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 06-610 – Mulberry Street Closure

Located between Linden Avenue and Pontotoc Street, containing 0.343 acre in the South Main Special District with Historic Preservation (HP) Overlay on west half of right-of-way

Applicant: Memphis Development A, LLC

Request: One (1) year time extension

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 07-619 - Mill Avenue Closure

Beginning west of N. Front and east of Illinois Central Railroad, containing 9,801 square feet in the Heavy Industrial (I-H) District

Applicant: Craig Mednikow

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 07-620 – 2nd Mill Avenue Closure

Beginning at the 2nd Alley south of Mill Street and west of Front Street, containing 2,450 square feet in the Heavy Industrial (I-H) District

Applicant: Craig Mednikow

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 07-621 –Stonebrook Circle Street Closure

Located on Stonebrook Circle beginning on the west side of Sandbrook Street and extending +491 feet, containing 40,118 square feet in the Light Industrial (I-L) District

Applicant: Superior Investment, Inc.
Crown Enterprises, Inc. – Representative

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. SUP 08-203

Located on the southwest corner of East Parkway South and Walker Avenue,
containing 0.55 acre in the Local Commercial (C-L) District

Applicant: Edgar Flores
Andre Williams - Representative

Request: Auto Sales and Mechanic Shop

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 1, 2008



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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11235, Long Distance Telephone Service, to AT&T in the amount of \$45,000.00. (This contract covers a 36-month period, April 1, 2008 to March 31, 2011, with an annual budgeted amount of \$15,000.00.)
10. RESOLUTION approving Change No. 3 to Contract No. 11061, Wireless Telephone Services, with AT&T Mobility (formerly Cingular Wireless), in the funded amount of \$291,850.00. (This renews the contract for the second term, April 3, 2008 to April 2, 2009.)
11. RESOLUTION approving Change No. 2 to Contract No. 11072, MLGW Employee Assistance Program, with Methodist Healthcare, Inc. in the funded amount of \$28,500.00. (This renews the contract for the second term, April 1, 2008 through March 31, 2009.)
12. RESOLUTION awarding contract for sodium hexametaphosphate to Brenntag Mid-South in the amount of \$417,375.00.
13. RESOLUTION awarding contract to DLT Solutions, Inc. for renewal of Red Hat software support in the amount of \$63,640.15.
14. RESOLUTION amending Purchase Order No. 125194 with Cary Oil Company, Inc. for providing fuel in the amount of \$2,000,000.00.
15. RESOLUTION approving payment of 2008 pipeline user fee to the U. S. Department of Transportation in the amount of \$30,232.43.
16. RESOLUTION approving payment of 2008 membership dues to American Gas Association (AGA) in the amount of \$54,630.00
17. RESOLUTION approving payment of 2008 membership dues to Tennessee Valley Public Power Association (TVPPA) in the amount of \$44,732.51.



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REGULAR AGENDA

18. APPOINTMENT

Flinn

Health, Educational and Housing Facility Board

Appointment

Carolyn H. Stearnes

GENERAL ORDINANCE – THIRD AND FINAL READING

19. **ORDINANCE** repealing Ordinance No. 4013 regulating Sexually Oriented Businesses and adopting Adult-Oriented Establishment Registration Ordinance, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5250

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

20. **RESOLUTION** accepting grant funds in the amount of \$3,000,000.00 from the Tennessee Department of Economic and Community Development for the Fast Track Infrastructure Development Program (FIDP) on behalf of Nucor Steel Memphis, Inc. FIDP funds will be used, along with matching funds provided by Nucor to construct a 161 KV transmission line running from Allen Generating Plant to Nucor's Substation; dredging of the Mississippi River at the Nucor entrance to the harbor; construction of new railroad track and switches with associated grading, drainage and road crossing work; and construction of a railroad crossing signal and arms on Paul Lowry Road in Pidgeon Industrial Park needed for the expansion of the Nucor Steel Memphis facility. Resolution amends the FY 2008 Capital Improvement Program Budget to establish and appropriate grant funds in the amount of \$3,000,000.00.
- Morrison

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

21. RESOLUTION accepting grant funds in the amount of Forty Four Thousand Three Hundred Sixteen Dollars (\$44,316.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Incumbent Workers Services Grant. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

22. RESOLUTION authorizing the Memphis-Shelby County Airport Authority to issue a series of Airport Revenue Refunding Bonds, Series 2008 to refund Airport Revenue Bonds.

Collins

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

23. RESOLUTION appropriating \$522,708.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase defibrillator/monitors for the Division of Fire Services for a total appropriation of \$522,708.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

24. RESOLUTION to convey two (2) World War II half track vehicles to the Mid-South Military Museum for the amount of \$1.00 for the preservation and restoration of historic value and honoring military veterans.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

25. RESOLUTION amending the Living Wage Rate for City of Memphis part-time/temporary employees aged 18 and up shall be a minimum of Twelve Dollars (\$12.00) per hour effective July 1, 2008.

Flinn

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

26. RESOLUTION granting various easements to the City of Memphis property located on the northwest corner of Zach H. Curlin Street and the Southern Railroad Right-of-Way for and in consideration of \$1.00.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

27. RESOLUTION transferring an allocation of \$2,000.00 from Construction to Architect/Engineering and appropriating \$126,000.00 in Construction, funded by G.O. Bonds General for Aquatic Facilities Demolition.

Strickland

Council did include Aquatic Facilities Demolition, CIP Project Number PK04012, as part of the FY 2008 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$352,000.00 in Construction, funded by G.O. Bonds General for Liberty Bowl Major Maintenance.

Strickland

Council did include Liberty Bowl Major Maintenance, CIP Project Number PK10007, as part of the FY 2008 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION transferring an allocation of \$30,000.00 from Architect/Engineering to Construction and appropriating \$144,000.00 in Construction, funded by G.O. Bonds General for Tennis Improvements.

Strickland

Council did include Tennis Improvements, CIP Project Number PK03001, as part of the FY 2008 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION approving an additional exception for special occasions held outside of established park hours to accommodate the Relay for Life that is promoted and sponsored by the American Cancer Society which will take place at Cancer Survivors Park.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION transferring an allocation of \$160,000.00 within Service to Unsewered Areas, Project Number SW03001 from contract construction cost to planning cost.

Morrison

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the FY 2008 Capital Improvement Budget by appropriating \$75,046.00 funded by G.O. Bonds General for Crash Cushions, Project Number PW04057 for a construction contract with Traf-Mark, Inc., to replace impact attenuators.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES – THIRD AND FINAL READING

33. **ORDINANCE** rezoning the north side of Stateline Road; +/-125 feet east of Bridge Mill Lane, containing 5.83 acres in the Agriculture (AG) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5253
Case No. Z 07-120cc

Applicant: Carolyn Gowan and Keith & Jacqueline Carter
Boyston Construction Consultants - Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

135 NOTICES MAILED ON MARCH 7, 2008

34. **ORDINANCE** rezoning the west side of South Willett Street, 75 – 135 ft. north of Monroe Avenue, containing 6,725 sq. ft. (0.154 acre) in the Multi-Family Residential (R-MH) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5254
Case No. Z 07-121

Applicant: Mad Will Properties, LLC
Cindy Reaves, SR Consulting, LLC – Representative

Request: Parking (P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

53 NOTICES MAILED ON MARCH 7, 2008

DIVISION OF PLANNING & DEVELOPMENT

35. RESOLUTION approving a special use permit located on the west side of New Brunswick Road; +/-244.37 feet south of U.S. Highway 64, containing 1.73 acres in the Highway Commercial (C-H) District.

Lowery

Case No. SUP 08-206

Applicant: CBH Hospitality
Bray-Davis Firm, LLC – Representative

Request: Special use permit to allow a new hotel building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deem advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

36. RESOLUTION approving a planned development located on the southeast side of Chelsea Avenue; +/-240.70 feet east of Ozan Street, containing 1.70 acres in the Single Family Residential (R-S6) District.

Lowery

Case No. PD 07-346

Applicant: B.P.L. Landscaping, Inc.
Shroyer Engineering Company – Representative

Request: Planned development to continue and expand a Landscaping Nursery

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems
advisable

101 NOTICES MAILED ON MARCH 7, 2008

37. RESOLUTION approving a planned development located on the northwest corner of Haver Hill Road and Cherry Road, containing 25.5 acres in an area regulated by the approved conditions for P.D 99-366 – RBM Cherry Road Partners

Lowery

Case No. PD 08-304

Applicant: RBM Cherry Road Partners
Ronald Harkavy – Representative

Request: Amend the planned development to transfer 1.3 acres of land from Lot 2 to Lot 1 and add surface parking between the existing building in Lot 1 and Cherry Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON MARCH 7, 2008

PRESENTATIONS AND RECOGNITION OF VISITORS

38. RESOLUTION designating March as American Red Cross month.
Fullilove

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION honoring the Snowden Middle School Girls Basketball Team for winning the 2008 West Tennessee State Championship and the Boys Basketball Team for being the Runner-Up.
Ware

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. Public Hearing Set for April 1, 2008
9. Through 18 – Approved
19. Tabled
20. Through 24 – Approved
25. Held until April 1, 2008
26. Through 39 –Approved

ACTION TAKEN ON THE MINUTES OF MARCH 4, 2008

Approved